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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,962	11/15/2000	Alain T. Rappaport	04239.P002	5197

7590 10/05/2004
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EXAMINER

FRENEL, VANEL

ART UNIT PAPER NUMBER

3626

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No. 09/713,962		Applicant(s) RAPPAPORT ET AL.	
Examiner Vanel Frenel		Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed on 11/15/00. Claims 1-21 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reuss et al (6,364,834) in view of Mayaud (5,845,255).

(A) As per claim 1, Reuss discloses a method of communicating healthcare information, the method comprising: generating a set of codes each corresponding to respective healthcare data (See Reuss, Col.4, lines 55-67 to Col.5, line 37); storing the set of codes in a memory associated with a portable terminal (Col.9, lines 1-67); and wirelessly transmitting the selected at least one code to a recipient (See Reuss, Col.9, lines 15-67 to Col.10, line 5).

Reuss does not explicitly disclose detecting selection of at least one code corresponding to healthcare data relevant to a patient.

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However, this feature is known in the art, as evidenced by Mayaud. In particular, Mayaud suggests detecting selection of at least one code corresponding to healthcare data relevant to a patient (See Mayaud, Col.10, lines 12-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Mayaud within the system of Reuss with the motivation of providing an attractive to busy mobile professionals for their size, such handheld computers can also embody highly desirable radio wave or infrared wireless communications abilities enabling them to exchange data with host systems without the cost or inconvenience of hard wiring (See Mayaud, Col.3, lines 44-49).

(B) As per claim 2, Reuss discloses the method wherein the portable terminal is a cellular telephone having an on-board memory, the set of codes being stored in the on-board memory (Col.4, lines 55-67; Col.15, lines 40-67).

(C) As per claim 3, Mayaud discloses the method wherein the code is transmitted via a first, wireless network (Col.45, lines 35-67).

(D) As per claim 4, Mayaud discloses the method of claim 3 wherein the first, wireless network is one of a CDMA network, a GSM network, a TDMA network and a CPDP network (Col.46, lines 1-22).

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(E) As per claim 5, Mayaud discloses the method wherein the recipient is a gateway that connects the first, wireless network to a second network (Col.45, lines 30-47).

(F) As per claim 6, Mayaud discloses the method wherein the second network comprises the Internet/World Wide Web (Col.45, lines 1-8).

(G) As per claim 7, Mayaud discloses the method wherein the code is transmitted using Wireless Mark-up Language (WML) (Col.45, lines 1-8).

(H) As per claim 8, Mayaud discloses the method wherein the healthcare data corresponding to the transmitted code is associated with corresponding healthcare information in a database, and wherein said corresponding healthcare information is transmitted to an end user via the second network (Col.10, lines 12-67).

(I) As per claim 9, Reuss discloses apparatus for communicating healthcare information, the apparatus comprising: a portable terminal to communicate wirelessly with a recipient via a first, wireless network (See Reuss, Col.9, lines 15-67 to Col.10, line 5); and a memory, associated with the portable terminal, to store a set of codes, each code corresponding to respective healthcare data, See Reuss, Col.9, lines 15-67 to Col.10, line 5),

Reuss does not explicitly disclose the terminal having a selector operable by a user to select desired codes of the set of codes for transmission to the recipient.

However, this feature is known in the art, as evidenced by Mayaud. In particular, Mayaud suggests the terminal having a selector operable by a user to select desired codes of the set of codes for transmission to the recipient (See Mayaud, Col.10, lines 12-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Mayaud within the system of Reuss with the motivation of providing an attractive to busy mobile professionals for their size, such handheld computers can also embody highly desirable radio wave or infrared wireless communications abilities enabling them to exchange data with host systems without the cost or inconvenience of hard wiring (See Mayaud, Col.3, lines 44-49).

(J) As per claim 10, Reuss discloses the apparatus wherein the portable terminal is a cellular telephone and the memory is an on-board memory of the cellular telephone (Col.4, lines 55-67; Col.15, lines 40-67).

(K) As per claim 11, Mayaud discloses the apparatus wherein the cellular telephone is a WAP-enabled telephone arranged to transmit the selected codes via the first, wireless network utilizing a WAP protocol (Col.45, lines 30-67 to Col.46, line 31).

(L) As per claim 12, Reuss discloses a system for communicating healthcare information, the system comprising: at least one portable terminal to communicate wirelessly with a gateway via a first, wireless network (See Reuss, Col.4, lines 55-67),

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the portable terminal having a memory associated therewith for storing a set of codes, each code corresponding to respective healthcare data (See Reuss, Col.16, lines 58-67 to Col.17, line 32).

Reuss does not explicitly disclose a first server to communicate with the gateway and to communicate healthcare information to an end user via a second network; and a gateway to communicate between said at least one portable terminal and the first server.

However, this feature is known in the art, as evidenced by Mayaud. In particular, Mayaud suggests a first server to communicate with the gateway and to communicate healthcare information to an end user via a second network; and a gateway to communicate between said at least one portable terminal and the first server (See Mayaud, Col.45, lines 18-67 to Col.46, line 31).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Mayaud within the system of Reuss with the motivation of providing an attractive to busy mobile professionals for their size, such handheld computers can also embody highly desirable radio wave or infrared wireless communications abilities enabling them to exchange data with host systems without the cost or inconvenience of hard wiring (See Mayaud, Col.3, lines 44-49).

(M) As per claim 13, Reuss discloses the system wherein the portable terminal is a cellular telephone and the memory is an on-board memory of the cellular telephone (Col.4, lines 55-67; Col.15, lines 40-67).

(N) As per claim 14, Mayaud discloses the system wherein the cellular telephone is a WAP-enabled cellular telephone arranged to transmit the selected codes via the first, wireless network utilizing a WAP protocol (Col.45, lines 30-67 to Col.46, line 31).

(O) As per claim 15, Mayaud discloses the system wherein the first, wireless network is one of a CDMA network, a GSM network, a TDMA network and a CPDP network (Col.45, lines 30-67 to Col.46, line 31).

(P) As per claim 16, Mayaud discloses the system wherein the second network comprises the Internet/World Wide Web (Col.45, lines 1-8).

(Q) As per claim 17, Mayaud discloses the system further comprising a second, application server with an associated database storing healthcare information associated with the codes, the gateway being arranged to communicate with the first server via the application server, thereby to retrieve healthcare information from the database corresponding to received codes and to transmit the healthcare information to an end user via the second network (See Mayaud, Col.45, lines 18-67 to Col.46, line 31).

(R) As per claim 18, Reuss discloses a system for communicating healthcare information, the system comprising: a gateway to communicate wirelessly with at least

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one portable terminal via a first, wireless network (See Reuss, Col.4, lines 55-67) and with a first server, to receive codes from said at least one portable terminal selected from a set of codes each corresponding to respective healthcare data, and to transmit healthcare information corresponding to the received codes to the first server (See Reuss, Col.9, lines 20-67 to Col.10, line 48);

Reuss does not explicitly disclose a first server to communicate with the gateway, to receive the healthcare information from the gateway and to communicate the healthcare information to an end user via a second network.

However, this feature is known in the art, as evidenced by Mayaud. In particular, Mayaud suggests a first server to communicate with the gateway, to receive the healthcare information from the gateway and to communicate the healthcare information to an end user via a second network See Mayaud, Col.45, lines 18-67 to Col.46, line 31).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Mayaud within the system of Reuss with the motivation of providing an attractive to busy mobile professionals for their size, such handheld computers can also embody highly desirable radio wave or infrared wireless communications abilities enabling them to exchange data with host systems without the cost or inconvenience of hard wiring (See Mayaud, Col.3, lines 44-49).

(S) As per claim 19, Mayaud discloses the system further comprising a second,

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application server with an associated database to store healthcare information associated with the codes, the gateway being arranged to communicate with the first server via the second, application server, thereby to retrieve healthcare information from the database corresponding to the received codes and to transmit the retrieved healthcare information to the end user via the second network (See Mayaud, Col.45, lines 18-67 to Col.46, line 31).

(T) As per claim 20, Mayaud discloses the system wherein the first server is a Web server and the second network is the Internet/World Wide Web (Col.45, lines 1-8).

(U) As per claim 21, Reuss discloses a machine-readable medium comprising instructions which, when executed by a machine, cause the machine to perform operations comprising: generating a display of a set of codes on a portable terminal, each code corresponding to respective healthcare data (See Reuss, Col.11, lines 40-67 to Col.12, line 50); and wirelessly transmitting the selected at least one code to a recipient (See Reuss, Col.9, lines 15-67 to Col.10, line 5).

Reuss does not explicitly disclose detecting selection of at least one code corresponding to healthcare data relevant to a patient.

However, this feature is known in the art, as evidenced by Mayaud. In particular, Mayaud suggests detecting selection of at least one code corresponding to healthcare data relevant to a patient ((See Mayaud, Col.10, lines 12-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Mayaud within the system of Reuss with the motivation of providing an attractive to busy mobile professionals for their size, such handheld computers can also embody highly desirable radio wave or infrared wireless communications abilities enabling them to exchange data with host systems without the cost or inconvenience of hard wiring (See Mayaud, Col.3, lines 44-49).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches system and method for managing patient medical records (5,772,585), apparatus and method for processing and/or for providing healthcare information and/or healthcare-related information (6,283,761), electronic medical records system (5,924,074), method for diagnosis and treatment of psychological and emotional conditions using a microprocessor-based virtual reality simulator (6,186,145), extendible method and apparatus for synchronizing multiple files on two different computer systems (6,000,000) and health monitoring and diagnostic device and network-based health assessment and medical records maintenance system (2004/0049355).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on Monday-Thursday from 6:30am-5:00pm.

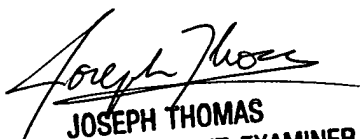
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F
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September 29, 2004


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